FILED

JUN 30 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

AUSA RKD

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8583

UNITED STATES OF AMERICA, Plaintiff, v. Jose Jauregui, Defendant.	)	Magistrate Case No.: COMPLAINT FOR VIOLATION OF Title 8, U.S.C., § 1326 Attempted Entry After Deportation (Felony)

The undersigned complainant being duly sworn states:

On or about June 27, 2008, within the Southern District of California, defendant Jose Jauregui, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported and removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached Statement of Facts, which is incorporated herein by reference.

MARCO A. MIRANDA
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 30TH DAY OF JUNE 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

I, Senior Border Patrol Agent Marco Miranda declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states that this complaint is based upon the statements of the apprehending Border Patrol Agent, J. Morales, that the Defendant was found and arrested on June 27, 2008 west of the Calexico, California Port of Entry.

BPA Morales was performing his assigned Border Patrol duties west of the Calexico, California Port of Entry. The Remote Video Surveillance System Operator advised agents that a group of suspected illegal aliens had made an illegal entry by crossing the United States/Mexico International border. Agent Morales responded to the area and encountered the group walking northbound. Agent Morales approached the group, identified himself as a United States Border Patrol Agent and questioned each individual as to their immigration status to be in or remain in the United States legally. All of the subjects admitted to being a natives and citizens of Mexico without proper documentation that would allow them to be in or remain in the United States legally including a subject, later identified as Jose JAUREGUI. All of the subjects including Jose JAUREGUI were placed under arrest and transported to the El Cento Border Patrol Station.

At the El Centro Station, record checks revealed that JAUREGUI had been previously removed from the United States on April 25, 1997. Further record checks revealed JAUREGUI had a serious criminal history.

There is no evidence that JAUREGUI has sought or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after having been deported.

Executed on June 29, 2008 at 0720.

Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable cause to believe that the defendant named in this probable cause statement committed the offense on June 27, 2008 in violation of Title 8, United States Code 1326.

Barbara L. Major
United States Magistrate Judge

6/29/08 at 7:45 AM
6/29/08 0720